

REMARKS

Claims 1-12 are pending in the above-identified application. Claim 3 has been amended so as to remove one of the possible options for substituent "K". Claim 6, 8 and 11 amended so as to remove the bases for the indefiniteness rejections as discussed below.

Status of Withdrawn Claims

Claims 1 and 2 have been indicated as being non-elected and withdrawn from further consideration. Applicants respectfully retain the right to file a Divisional Application directed to this subject matter in the future.

Removal of Issues under 35 USC 112

Claims 6, 8 and 11 have been rejected under 35 USC 112, second paragraph, as being indefinite because of punctuation issues arising in connection with claims 6 and 11, and inconsistent claim language arising in connection with claim 8. All of claim 6, 8 and 11 have been amended as suggested in the Office Action of February 6, 2006. Consequently, it is submitted that these claims, as well as all of the other pending claims, satisfy all definiteness requirements under 35 USC 112, second paragraph, such that this rejection should be withdrawn.

Issues under 35 USC 103(a)

Claims 3, 7 and 9 have been rejected under 35 USC 103(a) as being unpatenable over Itou '534 (JP 11-228534) in view of Iwasa '111 (USP 5,691,111) as evidenced by Derwent ACC No. 1996-136264.

Claims 3, 7-9 and 12 have rejected under 35 USC 103(a) as being unpatenable over Itou '534 in view of Uetani '428 (US 2001/0014428).

Claims 3, 7 and 10-12 have rejected under 35 USC 103(a) as being unpatenable over Itou '534 in view of "Uetani et al (20010033987 a1)".

All of the above-noted rejections are traversed based on the following reasons. In addition, it is noted that the reference “Uetani et al (20010033987 a1)” is not listed as being a cited reference and may include a typographical error since this reference number does not appear to be correct. In any case, it is submitted that the patentable distinctions noted above concern the primary reference Itou '534. Since applicants do not know the nature of this cited reference, it is not possible to comment on the distinctions between the present claims and this reference.

Distinctions between Present Invention and Itou '534

Upon the deletion of “-O-” as a possible option for substituent “K” in formula (X) in claim 3, the claims of the present application now significantly distinguish over the Itou '534 reference. That is, Itou '534 fails to disclose any of the acid generator components (A) recited in independent claim 3 or in any of the other dependent claims. The other cited secondary references, including Iwasa '111, Derwent '264 and Uetani '428, fail to make up for this deficiency of Itou '534. Also, as noted above, the other cited reference “Uetani et al (20010033987 a1)” can not be identified or analyzed by applicants and is not of record in connection with the present application. Consequently, all of the references relied upon for the above-noted rejections fail to include one of the required elements recited in the presently considered claims, i.e. the acid generator (A) element. Therefore, the present rejections fail to establish an assertion of obviousness under 35 USC 103(a) because at least one claimed element is absent from the cited references. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2142, Rev. 3, August 2005, p. 2100-134. Consequently, it is requested that the above-noted rejections be withdrawn.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____

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